

Indian Affairs Commission



Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
January 23, 2003**

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Functional and Organizational Analysis of the Indian Affairs Commission

Sources of Information

- Representatives of the Indian Affairs Commission
- Code of Alabama 1975 § 41-9-708 through § 41-9-717
- Code of Alabama 1975 § 41-20-1 through § 41-20-16 (Sunset Law)
- Code of Alabama 1975 § 41-22-1 through § 41-22-27 (Administrative Procedures Act)
- Alabama Administrative Code 475-X-3 through 475-X-03-.04
- Indian Affairs Commission Audit Report (1999-2001)
- Alabama Government Manual (1998)

Historical Context

The Indian Affairs Commission was established in 1984. Before the creation of this agency, the Southwest Alabama Indian Affairs Commission, which existed from 1978 to 1982, fulfilled the duties carried out by the current commission. The Southwest Alabama Indian Affairs Commission was preceded by two other agencies: the Governor's Advisory Board on Indian Affairs in 1974 and the Alabama Creek Indian Council in 1976. Both of these agencies were disbanded when the Southwest Alabama Indian Affairs Commission was created.

Agency Organization

The commission consists of thirteen members including one member of the state senate appointed by the lieutenant governor, one member of the house of representatives appointed by the speaker, and one member-at-large appointed by the governor. One member is appointed by the commission and must be a federally-recognized Indian residing in Alabama and not a member of any Alabama tribe. There are also nine Indian representatives from the nine tribes of Alabama. The term of office for commission members is four years, and they are eligible for reappointment. The commission selects officers biannually. Meetings are called by the chairman. An executive director is in charge of the administrative needs of the commission. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the commission is to bring local, state, and federal resources into focus for provision of meaningful programs for Indian citizens of Alabama. It is also responsible for providing assistance and for promoting the rights of these citizens. It is one of the agencies responsible for performing the Client Services function of Alabama government.

In the performance of its mandated function, the agency may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In accordance with the Administrative Procedures Act (Code of Alabama 1975 § 41-22-3), the commission has the authority to prescribe rules and regulations for the recognition of Indian tribes, bands, groups, and associations. The commission also develops the appropriate procedures or techniques for the implementation of its rules and regulations. This subfunction encompasses activities pertaining to the establishment and promulgation of rules, regulations, and procedures by the commission for carrying out its duties and responsibilities.
- **Recognizing Indian Tribes, Bands, Groups, and Associations.** The commission is authorized to recognize Indian tribes, bands, groups, and Indian associations. An Indian tribe, band, or group is a population of people related to one another by blood through their Indian ancestry and tracing their heritage to an Indian tribe, band, or group indigenous to Alabama. An Indian association is an organization of Indian people made up of members of federally-recognized Indian tribes, bands, or groups who have joined together to form such an association. The criteria for recognizing tribes, bands, and groups is different from the criteria for recognition as an Indian association. Procedures for recognition are the same in both cases. Petitioners must submit a petition requesting state recognition specifying what type of recognition they seek.

In order to be recognized as a tribe, band, or group, the petitioner must present a list of at least 250 members of this group. Evidence presented to the commission includes proof that each of its members is a descendant recognized as a member of a historical Alabama tribe, band, or group on rolls which are compiled by the federal government. If the member is not on these rolls, then the petitioner must present identification from some other official documents. Also required is a statement with the notarized signatures of the three highest ranking officers of the petitioning group.

An important criterion for an Indian association requires that at least 90% of the members in the petitioned association must be American Indians. Petitioners must submit a membership list and a copy of the bylaws and constitution along with the petition.

A decision on whether these organizations are recognized is rendered by a majority of the commission members. All decisions are to be made within one year after the petition and supporting documentation are submitted. Denials can be appealed by the applicants. The petitioner must submit an appeal of petition stating why the commission should reconsider its decision. The petitioner has 30 days to present a case for reconsideration. The commission renders its decision within a year.

- **Providing Assistance.** In order to provide assistance for the needs of this group of Alabamians, the commission cooperates with local and state government entities to bring resources into focus for Indians. The commission can also aid in securing funding from the federal government. The only financial assistance provided by the commission is in the form of scholarships for students or researchers. In addition, the commission sponsors outreach programs that offer information needed by its constituents. The commission also provides information about legislation that impacts Indians in Alabama.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency.

Managing the Agency: Activities include internal office management work common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, and documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accountings for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

Managing Properties, Facilities, and Resources: Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; constructing buildings and facilities; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

Analysis of Record Keeping System and Records Appraisal of the Indian Affairs Commission

Agency Record Keeping System

The Indian Affairs Commission currently operates a hybrid record keeping system composed of paper and electronic records.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Indian Affairs Commission: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal and administrative requirements have been met.

- **Scholarship Application Files.** Included is the application and evidence that all the criteria for applying for a commission scholarship have been met. Due to administrative and legal needs, the recommended retention is three years after the end of the award year.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations

- **Meeting Minutes and Orders of the Commission.** These records document decisions of the commission including final decisions about the recognition of various Indian organizations. These records provide important information and documentation of the commission's actions that may not be found elsewhere. (**Bibliographic Title: Meeting Minutes**)

Recognizing Indian Tribes, Bands, Groups, and Associations

- **Tribal History Files.** This series is used as reference by the commission. This is a history of the tribes in Alabama. Documents included in these files are pamphlets and correspondence with historical information about the tribes. Due to administrative needs, the suggested retention is permanent. (**Bibliographic Title: Tribal History Records**)
- **Roster of Members.** The commission maintains and keeps a roster of all recognized Indian tribes, bands, groups, and associations. For administrative purposes, permanent retention is recommended. (**Bibliographic Title: Roster**)
- **Petition Files.** These records are created when a tribe, band, groups, or association asks to be recognized by the commission. Included in this series are the petitions and

supporting documentation stating that members are descendants of certain ancestors. In the case of associations, a membership list is also included. Due to historical value, permanent retention is recommended. **(Bibliographic Title: Tribal Recognition Petition Files)**

Providing Assistance

- **Business Directory.** This record contains a listing of information about businesses throughout the state of Alabama owned by members of registered tribes, groups, bands, or associations. Included are names, addresses and what kind of recognition they have received. **(Bibliographic Title: State Publication)**

Administering Internal Operations

- **Annual Reports.** The annual report is submitted to the governor and the legislature and documents the condition and activities of the agency. **(Bibliographic Title: State Publication)**
- **Website.** The commission has a website at www.aiac.state.al.us. Information on the website includes a list of commission members, the commission's staff, tribes recognized by the state of Alabama, and a listing of chiefs and their addresses. The website also offers information on scholarships offered by the commission and various special events. The recommended retention is to preserve a complete copy of website annually or as often as significant changes are made. **(Bibliographic Title: Indian Affairs Commission, 2001, August)**
- **Newsletters.** The commission occasionally publishes newsletters to serve as a communication tool. The newsletter contains information about special events and statistics important to their constituents. **(Bibliographic Title: State Publications)**
- **Publicity and Informational Materials.** These records document photographs of commission members, major events where the agency is present and includes color slides of commission projects, products, and various Indian crafts. Also included are video cassettes of joint meetings that document various projects of the Southwest Alabama Indian Affairs Commission, the previous agency that existed before the Indian Affairs Commission. **(Bibliographic Title: Audiovisual Records)**
- **Final Grant Narrative Reports.** Records documenting the attainment of project goals, objectives, and completion of activities as detailed in the grant funded application. **(Bibliographic Title: Grant Reports)**

Permanent Records List Indian Affairs Commission

Promulgating Rules and Regulations

1. Meeting Minutes and Orders of the Commission

Recognizing Indian Tribes, Bands, Groups, and Associations

1. Tribal History Files
2. Roster of Members
3. Petition Files

Providing Assistance

1. Business Directory

Administering Internal Operations

1. Annual Reports
2. Website
3. Newsletters
4. Publicity and Informational Materials
5. Final Grant Narrative Reports

Indian Affairs Commission Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Indian Affairs Commission. The RDA lists records created and maintained by the Indian Affairs Commission in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Indian Affairs Commission to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must also be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, § 36-12-4, and § 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Indian Affairs Commission's records. Copies of superseded schedules/RDAs are no longer valid and may not be used for records disposition.
- The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes that may include, but are not limited to: telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities; and (5) honorary materials,

plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff.. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Indian Affairs Commission and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

Promulgating Rules and Regulations

MEETING MINUTES AND ORDERS OF THE COMMISSION

Disposition: PERMANENT RECORD.

Recognizing Indian Tribes, Bands, Groups, and Associations

TRIBAL HISTORY FILES

Disposition: PERMANENT RECORD.

ROSTER OF MEMBERS

Disposition: PERMANENT RECORD.

PETITION FILES

Disposition: PERMANENT RECORD.

Hearing Files

Disposition: Temporary Record. Retain 3 years after the record has been created.

Providing Assistance

Scholarship Application Files

Disposition: Temporary Record. Retain 3 years after the end of the award year.

BUSINESS DIRECTORY

Disposition: PERMANENT RECORD.

Business Profile Files

Disposition: Temporary Record. Retain until superseded.

Administering Internal Operations: Managing the Agency

ANNUAL REPORTS

Disposition: PERMANENT RECORD.

WEBSITE

Disposition: PERMANENT RECORD. Preserve a complete copy of website annually or as often as significant changes are made.

NEWSLETTERS

Disposition: PERMANENT RECORD.

PUBLICITY AND INFORMATIONAL MATERIALS

Disposition: PERMANENT RECORD.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Mailing Lists

Disposition: Temporary Record. Retain for useful life.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the RDA is superseded.

Commission Appointment Letters

Disposition: Temporary Record. Retain 3 years after the appointment has ended.

System documentation (hardware/software manuals and diskettes, warranties, Y2K Records)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: Managing Finances

FINAL GRANT NARRATIVE REPORTS

Disposition: PERMANENT RECORD.

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and cancelled checks

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Federal Grant Administrative Files

Disposition: Temporary Record. Retain 5 years after submission of final expenditure report, or if renewed quarterly or annually, retain 5 years after the date of submission of the quarterly or annual financial report.

State Grant Administrative Files

Disposition: Temporary Record. Retain 3 years after submission of final expenditure report, or if renewed quarterly or annually, retain 3 years after the date of submission of the quarterly or annual financial report.

Administering Internal Operations: Managing Human Resources

Job Recruitment Materials

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Application Materials

Disposition: Temporary Record. Retain 1 year.

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)

Disposition: Temporary Record. Retain 3 years after end of year in which the records were created.

Records documenting employee hours worked, leave earned, and leave taken

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of final leave status (cumulative leave)

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting an employee's work history - generally maintained as a case file

Disposition: Temporary Record. Retain 6 years after separation of an employee from the agency.

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting agency provision of training and professional development

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: Managing Properties, Facilities, and Resources

SEMIANNUAL INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in office (Code of Alabama 1975 § 36-16-8[1]).

Agency Copies of Transfer of State Property Forms (SD-1)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Property Inventory Cards and/or Computer Files

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Insurance Policies/Risk Management Records

Disposition: Temporary Record. retain 6 years after termination of policy.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Records documenting the lease or rental of office or warehouse space for the department

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Under the Code of Alabama 1975 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Indian Affairs Commission (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in January of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record-keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this Records Disposition Authority on January 23, 2003.

Edwin C. Bridges, Chairman
State Records Commission

Date

Receipt acknowledged:

Michael C. Gilbert, Executive Director
Indian Affairs Commission

Date